

## **EXHIBIT “D”**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH T. VAIL,	:	
	:	No. 02-CV-2933
Plaintiff	:	
	:	
v.	:	
	:	
HARLEYSVILLE GROUP, INC.,	:	
Defendant	:	JURY TRIAL DEMANDED
	:	Electronically Filed

**DEFENDANT HARLEYSVILLE GROUP, INC.'S PROPOSED FORM OF VERDICT**

Defendant Harleysville Group, Inc. ("Harleysville" or "Defendant"), by and through its undersigned counsel, respectfully submits the following proposed Form of Verdict:

1. Did the Plaintiff prove by a preponderance of the evidence that he is an individual with a disability under the Americans with Disabilities Act, or that Defendant regarded him as an individual with a disability under the Americans with Disabilities Act?

YES  NO

If no, you need proceed no further. If yes, proceed to the next question.

2. Did the Plaintiff prove by a preponderance of the evidence that disability discrimination was a determining factor in Defendant's decision to terminate his employment?

YES  NO

If no, you need proceed no further. If yes, proceed to the next question.

3. Do you find the Plaintiff has proven by a preponderance of the evidence that he suffered economic damages as a result of Defendant's actions?

YES  NO

If you answered "no," place a "0" in the space below. If you answered "yes," state the amount in the space below.

Amount: \$ \_\_\_\_\_

4. Do you find the Plaintiff has proven by a preponderance of the evidence that he suffered compensatory (emotional distress) damages as a result of Defendant's actions?

YES  NO

If you answered "no," place a "0" in the space below. If you answered "yes," state the amount in the space below.

Amount: \$\_\_\_\_\_

The foreperson should sign and date this Form of Verdict.

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\_\_\_\_\_  
FOREPERSON

DATE: \_\_\_\_\_

Respectfully submitted by:

BLANK ROME LLP

/s/ Anthony B. Haller  
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Attorneys for Defendant  
Harleysville Group, Inc.

Dated: August 30, 2004